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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/526,305 | 03/02/2005 | Maikel Albert Walther Klomp | NL 020866 | 3587 |

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| EXAMINER |
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SHALLENBERGER, JULIE A

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| ART UNIT | PAPER NUMBER |
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2885

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07/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|-------------------------------------|--|
| Office Action Summary | Application No. 10/526,305 | Applicant(s) KLOMP ET AL. | |
| | Examiner JULIE A. SHALLENBERGER | Art Unit 2885 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/18/08 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-13, 15, 16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynne Willson (6,676,284) in view of Fermgard (2004/0179000).

In regard to claims 1, 10, and 18, Wynne Wilson teaches an LED assembly with a plurality of flexibly mounted (col. 6 line 45) LEDs suitable to form a string (col. 9 line 63) with an LED mounted with a mounting base 3, but lacks the teaching of the wires being protected from surroundings by a package of hot melt material.

Fermgard teaches a light emitting diode that is mounted and secured using a hot melt adhesive.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the light device of Wynne Wilson with the hot metal material mounting means taught by Fermgard in order to provide a strong bonding means with lasting durability to protect the diode by securing it in its intended place.

In regard to the wires being environmentally protected from exposure to the surroundings by a package of hot melt material, Willion modified by Fermgard is capable of meeting the claimed limitation.

In regard to the limitations of claims 2, 9, 19, and 21 which recite the hot melt material of the assembly provides for a protection whereby ingress of dust shall (or splashed water) not penetrate in a quantity to interfere with the satisfactory operation of the assembly or to impair safety by surrounding exposed portions of the electrical contact wires and a portion of the LED, it is noted that “configures to” and “capable of” are functional limitations and the applicant is advised that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations *Ex Parte Masham*, 2 USPQ F.2d 1647 (1987).

In regard to claims 3 and 11, Willson teaches a plurality of LEDs 15.

In regard to claims 4, 13, and 22 Wilson teaches electrical connection wires (see figures 2 and 3), a control system and a matrix arrangement with multiple LED assemblies (col. 11 lines 10-60).

In regard to claims 8 and 23, Willson teaches LEDs arranged in a matrix (col. 11 lines 47-53)

In regard to claim 12, Willson teaches different colored LEDs (col. 13 lines 20-29).

In regard to claims 6, 15, and 20 and Wynne Wilson teaches mount LEDs 5 to base 3 and since the LEDs are mounted on the front side of the base, there would be no need to provide hot melt on the back side of the base.

In regard to claims 7 and 16, Wilson does not specifically teach LEDs that are separated from each other by about the length of their contact wires. However, figure 9 shows LEDs that appear to be spaced apart about the distance of their contact wires.

Furthermore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to separate the LEDs by a length of the contact wire in order to position the LEDs as close as possible while leaving some distance so that heat generated from the LEDs does not damage or impede the life of the light source.

Claims 5, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynne Willson modified by Fermgard and further in view of Epstein (6,801,276).

Wynne Willson modified by Fermgard teach an invention including Wilson's teaching of an LED assembly suitable to form a string (col. 9 line 63), a matrix arrangement (col. 11 lines 10-60), and different colored LEDs (see abstract and claims)

as recited in claim 17, but they lack the teaching of a diffusing means within the hot melt or different colored strings

Epstein teaches a hot melt adhesive with diffusing properties (col. 4 lines 17-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the light of Wynne Willson and the hot melt of Fermgard with the diffusing hot melt taught by Epstein in order to enhance the amount of light emitted by the diode. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the diffusing material white in order to emit white light.

In regard to the different colored strings, Willson teaches different colored LEDs and a matrix arrangement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use different colored light strings in order to enhance the aesthetic appeal

Response to Arguments

In response to the applicants arguments that Fermgard does not teach hot melt adhesive that environmentally protects the LED wires, they are not persuasive since Fermgard teaches fixing an LED to a base 5 such that the “LED is fixed by means of hot melt adhesive”, the LED and its wires would have to be protected from damage caused by exposure with the environment since the LED is fixed with a hot melt material . Fermgard may teach a mounting part 5, as well as a glass cover 26, providing protection, however these components do not negate the fact that the hot melt also

provides protection for the LED and the LED's wires. Willson modified by Fermgard teaches the recited claim limitations.

In response to applicant's argument that references provide no suggestion to combine hot melt adhesive with LEDs, the applicant is advised that suggestion or motivation to modify a prior art structure can be found in a reference, or reasoned from common knowledge in the art, scientific principles, art recognized equivalents, or legal precedent. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art would have recognized and appreciated the hot melt fixing means taught by Fermgard as capable of protecting the LEDs and contacts of Wayne Willson's device.

In response to the applicant's arguments that inherency is not present in Willson modified by Fermgard, the applicant is advised that the rejection is not based on inherency, but on the features of environment protection being obvious to one of ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie A. Shallenberger whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS
AU 2885

/Jong-Suk (James) Lee/

Supervisory Patent Examiner, Art Unit 2885